

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION**

MARION M. CHAPMAN,

Petitioner,

v.

CLAY STANTON, et al.,

Respondents.

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No. 2:24-CV-00020 SRW

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on petitioner’s motion for appointment of counsel on appeal. [ECF No. 17]. There is neither a statutory nor constitutional right to appointed counsel in proceedings pursuant to 28 U.S.C. § 2254. *See Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987) (rejecting suggestions that a right to counsel on discretionary appeals be established, and explaining “that the right to appointed counsel extends to the first appeal of right, and no further”); and *Baker v. United States*, 334 F.2d 444, 447 (8th Cir. 1964) (stating that “a federal convict filing a motion under [a habeas action] is not entitled, as a matter of constitutional right, to have court-appointed counsel in the preparation and presentation of such a motion in the District Court or the Court of Appeals”). Rather, the Court may appoint counsel in a § 2254 if the interests of justice so require. *See* 28 U.S.C. § 2254(h); 18 U.S.C. § 3006A(a)(2)(B); and *Hoggard v. Purkett*, 29 F.3d 469, 471 (8th Cir. 1994) (stating that it has never “been held that there is a constitutional right to counsel in a habeas action” and that appointment of counsel is reviewed “for abuse of discretion”).

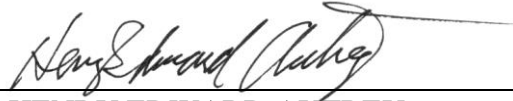
As this action has been denied and dismissed, the Court declines to appoint counsel to petitioner on appeal.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner’s motion for appointment of counsel on [ECF No. 17] is **DENIED**.

**IT IS FURTHER ORDERED** that no certificate of appealability shall issue.

Dated this 30<sup>th</sup> day of May, 2024.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", is written over a horizontal line.

HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE